

REMARKS/ARGUMENTS

Claims 60-64, 69 and 70 were pending and were examined. The claims have been amended as noted above. Reexamination and reconsideration of the claims, as amended, are respectfully requested.

Independent claim 60 as well as all claims dependent thereon were rejected as being anticipated by the Schwartz '496 patent. Such rejections are traversed in part and overcome in part.

The examiner rejects independent claim 60, the only pending independent claim, over Schwartz arguing that Schwartz describes a balloon 20 carrying a scoring structure 10 (in actuality a stent) comprising metal scoring elements carried by the balloon. The examiner further asserts that balloon inflation "engages the scoring elements against stenotic material 38 in the lesion to radially penetrate the stenotic material 38; and releasing a drug (see Col. 2, lines 10-27, line 61-Col. 3, line 2) into the scored lesion to enhance delivery into the vessel wall."

Applicants respectfully disagree with this characterization. The Schwartz patent in fact teaches nothing more than a drug coated stent where a drug may be carried in a polymeric film formed over the stent surface, as described for example at the bottom of Col. 2. Nowhere is it ever taught, described, or suggested that the stent "radially penetrate the stenotic material" in order to release drug "into the scored lesion to enhance delivery into the vessel wall" as set forth in independent claim 60, even prior to amendment. Indeed, nowhere does the Schwartz patent ever use the words score, scoring, penetrate, cut (except in connection with cutting the film to go on the stent), or any other description which would teach or suggest to one skilled in the art that the stent elements in fact penetrate stenotic material in order to enhance drug delivery. Indeed, the presence of a polymeric film coating the outer surfaces of the stent would likely reduce any ability of the stent to score or otherwise penetrate into the stenotic material as required by the claims herein.

Nonetheless, in order to expedite prosecution of the subject application, Applicants have amended claim 60 to clarify that the scoring element which is being used in the claimed method is not a stent. Claim 60 now sets forth that the balloon is deflated such that "the

scoring structure elastically closes over the balloon” and further that the catheter is then removed together with the scoring structure from the blood vessel. This is directly contrary to the teachings of Schwartz which are intended to deliver a permanently implanted vascular stent.

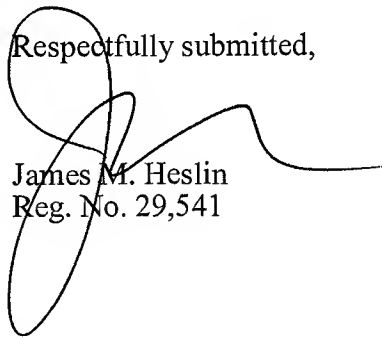
For these reasons, Applicants believe that all pending claims are now in condition for allowance and request that the application be passed to issue at an early date.

CONCLUSION

In view of the above amendments and remarks, Applicants believe that all pending claims are in condition for allowance and request that the application be passed to issue at an early date.

If for any reason the Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 650-326-2400.

Respectfully submitted,


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